REMARKS

This amendment is responsive to the Final Office Action dated June 29, 2006 and in reference to the telephone interview between Examiner Scott C. Sun, John Harris (Reg. No. 39,465), and Kevin O'Neill (technical consultant) on September 26, 2006. We thank the Examiner for the telephone interview held on September 26, 2006. During the telephone interview, we explained the features of the present application, such as a handheld (portable) remote information capture device, remote information captured by the remote information capture device, and database accessible by the remote information capture device. The Examiner acknowledged the difference between the features we explained and the cited references. The Examiner suggested claim amendments with a Request for Continued Examination. Applicant has amended claims 1, 3, 7-9, 11-12, 14-15, 17, 20-24, 27-29 and added claims 30-48. Claims 1, 3, 7-9, 11-12, 14-15, 17, 20-24, 27-29 and 30-48 are pending.

Claim Amendments

Claims 1, 3, 7 to 9, 11, 12, 14, 15, 17, 20 to 24, and 27 to 29 are currently amended.

Clams 2, 4 to 6, 10, 13, 16, 18, 19, 25, and 26 have been cancelled without prejudice.

Dependent claims 30 to 48 have been added.

The claims have been amended to more clearly define the invention. The language of claims has been amended for consistency with the description and other claims.

"A system" in claim 1 has been changed to "The remote information capture system". "The system" in the dependent claims has been replaced with "The remote information capture system" to correspond to independent claim 1.

The amendments to the claims are fully supported by the application as originally filed. Support for the amendments can be found, for example, as follows:

Listing of Support for Amendments

Claim 1

portable remote information capture device: The original description at page 9, line 23 to page 10, line 7 recites a handheld device, the original description at page 22, lines 6 to 11 refers to the same devices as mobile computers. The term "portable" is reasonably inferred from the original application.

consumer personal data and consumer preference data: The original description at page 7, lines 22 to 30 refers to the information captured being personal data and preference data.

a computer system accessible: The original description at page 25, lines 21 to 29 recites that the portable device can be docked to a notebook, the original description at page 10, line 23 to page 11, line 6 recites docking the portable device to a remote database. The remote information capture device clearly accesses various computer systems.

computer program: Multiple computer programs are disclosed that can manipulate the remote information, for example in the original description at page 9, line 23 to page 10, line 7, page 23, lines 19 to 24, and page 25, lines 21 to 29.

accessible: The original application discloses various methods of connecting and transferring the remote information to the computer system, such as in the original description at page 10, line 23 to page 11, line 6, page 25, lines 21 to 29 and figure 25. The remote information capture device is clearly intended to access the computer system in various different ways.

Claim 3

Subject matter substantially the same as original claim 3

Claim 7

is a wireless device for accessing the computer system wirelessly. Support for the amendment can be found, for example, in the original description at page 5, lines 6 to 9 and page 7, lines 22 to 30.

Claims 8, 9, 11, 12, 14, 15, 17, and 20 to 23

Claims 8, 9, 11, 12, 14, 15, 17, and 20 to 23 have been amended for consistency with amended independent claim 1. The subject matter of claims 8, 9, 11, 12, 14, 15, 17, 20, and 21 to 23 is substantially similar to claims 8, 9, 11, 12, 14, 15, 17, and 20 to 23 as originally filed.

Claim 24

Claim 24 is a method claim, reciting substantially similar limitations as in amended independent claim 1.

Claim 26

Claim 26 has been amended for consistency with amended independent claim 1.

Claim 27

binary signature file format: Support for this amendment can be found, for example, in the original description at page 27, line 14 to page 28, line 12.

Claims 28 and 29

Claims 28 and 29 have been amended for consistency with amended independent claim 1. The subject matter of claims 28 and 29 is substantially similar to former claims 28 and 29.

Claim 30

The subject matter of claim 30 is supported by the original description at page 22, lines 6 to 11 and page 23, lines 1 to 8.

Claim 31

The subject matter of claim 31 is supported by the original description at page 25, lines 21 to 29.

Claim 32

The subject matter of claim 32 is supported by the original description at page 9, line 23 to page 10, line 7.

Claim 33

The subject matter of claim 33 is supported by the original description at page 10, line 23 to page 11, line 6.

Claim 34

The subject matter of claim 34 is supported by the original description at page 9, line 23 to page 10, line 7.

Claim 35

The subject matter of claim 35 is substantially similar to part of subject matter of previously amended claim 1, and is supported by the original description at page 17, line 6 to page 19, line 13.

Claim 36

The original description at page 25, lines 21-29 discloses that the data is transferred to the notebook when the device is docked to it. This method of data transfer keeps the data stored on the device until docked. This method of transfer is commonly known as a batch transfer.

Claim 37

The subject matter of claim 37 is supported by the original description at page 1, line 28 to page 2, line 5.

Claim 38

The subject matter of claim 38 is supported by the original description at page 10, line 23 to page 11, line 6.

Claim 39

The subject matter of claim 39 is supported by the original description at page 22, lines 13-22.

Claim 40

The subject matter of claim 40 is supported by the original description at page 7, lines 22-30.

Claim 41

The subject matter of claim 41 is supported by the original description at page 26, lines 7 to 12.

Claim 42

The subject matter of claim 42 is supported by the original description at page 26, lines 14 to 26.

Claim 43

The subject matter of claim 43 is substantially similar to the subject matter of claim 10 as originally filed.

Claim 44

The subject matter of claim 44 is substantially similar to the subject matter of claim 13 as originally filed.

Claim 45

The subject matter of claim 45 is substantially similar to the subject matter of claim 16 as originally filed.

Claim 46

The subject matter of claim 46 is substantially similar to the subject matter of claim 18 as originally filed.

Claim 47

The subject matter of claim 47 is substantially similar to the subject matter of claim 19 as originally filed.

Claim 48

The subject matter of claim 48 is based on former claim 26.

Claim Rejection Under 35 U.S.C. § 112

The Examiner rejected claims 1 to 29 under 35 U.S.C. 112, second paragraph, concerning the terms "allowing" and "allow". Applicant has removed the terms "allowing" and "allow" in the claims. Applicant respectfully requests reconsideration and withdrawal of the rejections.

Claim Rejection Under 35 U.S.C. § 103

The Examiner rejected claims 1 to 8, 11 to 15, 17 to 19, 21, 22, and 24-29 as being unpatentable over Kolls (US Patent Application Publication No. 2001/0016819) in view of Gilberto (US Patent Application Publication No. 2003/0158791). The Examiner rejected claims 9, 10, 16, and 20 as being unpatentable over Kolls in view of Gilberto and Winters (US Patent Application Publication No. 2001/0034635). The Examiner rejected claim 23 as being unpatentable over Kolls in view of Gilberto and Sugar (US Patent Application Publication No. 2002/0029164). The Examiner rejected claims 26 and 28 as being unpatentable over Kolls in view of Gilberto and Java GUI programming.

The amended independent claims 1 and 24 recite a system and method respectively, for the capture and manipulation of remote data by a portable device. The system taught by Kolls (the main reference cited by the Examiner) differs substantially in the purpose and area of the

invention, as well as the particular embodiments. Kolls relates to an interactive advertising and *payment system*. Furthermore the system taught by Kolls requires a transaction control means to function. This is used to switch between a normal functioning state, and a disabled, non-functioning state of the system. There is no similar limitation of the claimed invention. In addition the system taught by Kolls is an unattended business center in which product and services may be vended. The present invention teaches away from such an embodiment.

The Examiner has cited Gilberto as disclosing providing an operator with a manual entry screen for entering information associated with the customer. Gilberto discloses manual entry screens in relation to an ordering and payment system in a networked environment. The amended claims clarify that the current invention can operate with intermittent connectivity, such a configuration is not taught or made obvious by Gilberto.

Applicant respectfully submits that independent claims 1 and 24 contain patentable subject matter over Kolls in view of Gilberto.

Claims 3, 7 to 9, 11, 12, 14, 15, 17, 20, 21 to 23 and 27 to 48 depend on independent claim 1, and serve to further limit the scope of the independent claim, and as such contain patentable subject matter over Kolls in view of Gilberto.

Furthermore neither Gileberto, Winters, Sugar, nor the Java GUI programming disclose information that when combined with the teachings of Kolls would lead one skilled in the art to the subject matter of claims 1, 3, 7 to 9, 11, 12, 14, 15, 17, 20, 21 to 24 and 27 to 48.

As such Applicant respectfully submits that claims 1, 3, 7 to 9, 11, 12, 14, 15, 17, 20, 21 to 24, and 27 to 48 are patentable in view of the cited references.

In view of the amendments and the remarks, and having dealt with all the objections raised by the Examiner, reconsideration and allowance of the application is courteously requested.

New Claims:

Applicant has added claims 30-48 to the pending application.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date: By:

October 30, 2006   _Kent J. Sieffert_

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